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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

27 11/21/01
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STEVEN L. ROMANSKY,
Petitioner

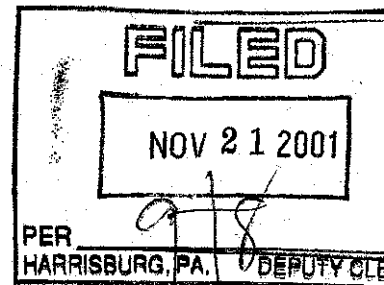
v.

CIVIL NO. 1: CV-00-1520

CONNER BLAINE JR.,
Respondent

(Judge Rambo)

MANDAMUS



AND NOW, comes the Petitioner, Steven L. Romansky, Pro Se, (hereinafter "Romansky") wherein he files this Mandamus Petition and in support thereof avers as follows:

1. On April 25, 1986, Romansky filed his Informal Request For Discovery asking for all evidence which may be favorable to Romansky, whether the same is material to guilt or punishment as required by Rule 30.5 (b) of the Pennsylvania Rules of Criminal Procedure and Brady v. Maryland, 373 U.S. 83 (1963).
2. On May 8, 1986, Romansky filed his Motion For Discovery with exhibit "A" (Informal Request For Discovery) attached asking again for Brady material.
3. On August 25, 2000, Romansky filed his Petition For Writ of Habeas Corpus, No. 1:00-CV-01520, Romansky v. Blaine, Judge Sylvia H. Rambo.
4. By Order dated January 11, 2001, Respondent was given twenty (20) days to answer the allegations in Romansky's Petition For Writ of Habeas Corpus.
5. On January 31, 2001, Respondent's Brief was filed.

6. By order dated August 6, 2001, Respondent was ordered to furnish copies of transcripts and tape recordings.
7. On August 15, 2001, Respondent answered the Court order and furnished copies of transcripts and four (4) cassette tapes.
8. By letter dated August 17, 2001, to Gary Hollinger, Chief Deputy for the United States District Court Romansky pointed out that the four (4) cassette tapes are indeed Brady material that has been withheld from Romansky and requested he be provided with copies.
9. On September 10, 2001, Romansky again by letter asked Chief Deputy Gary Hollinger for copies of the four (4) cassette tapes.
10. By letter dated September 21, 2001, from Angelo Pitts, Esquire, Pro se Law Clerk, Romansky was advised that the four (4) tapes have been forwarded to the Court of Appeals for the Third Circuit and should direct his request there.
11. By letter dated September 26, 2001, to Marcia M. Waldron, Clerk for the Court of Appeals for the Third Circuit Romansky again requested the four (4) tapes submitted by Respondent.
12. By letter dated October 17, 2001, from Maria Coghlan, Administrative Assistant for the Court of Appeals for the Third Circuit Romansky was instructed to address his request for the four (4) tapes to the Attorney General's Office.
13. By letter dated October 19, 2001, to Ms. Andrea F. McKenna, Esquire, Senior Deputy Attorney General, Romansky again requested the four (4) tapes.
14. By letter dated November 8, 2001, to Marcia Waldron, Clerk for the Court of Appeals for the Third Circuit Romansky pointed out that his letter dated October 19, 2001, (request for the four (4) tapes) to Ms. McKenna went on answered.
15. By letter dated November 8, 2001, from Coghlan, Administrative Assistant Romansky was instructed to file the within Mandamus Petition in an effort to have the Respondent furnish copies of the four (4) cassette tapes.

16. In light of the fact that these four (4) cassette tapes should have been revealed to the defense as part of pre-trial discovery under the pertinent sections of Pa. R. Crim. P. 305 and *Brady v. Maryland*, 373 U.S. 83 (1963) and the prosecutorial misconduct in this case was a deliberate undertaken in bad faith with the specific intent to deny Romansky a fair trial it is respectfully requested that this Honorable Court issue an Order upon the Commonwealth to furnish Romansky with copies of the four (4) cassette tapes.

WHEREFORE, Romansky, respectfully requests this Honorable Court to grant the within Mandamus Petition and require the Commonwealth to furnish Romansky with the four (4) cassette tapes.

By: Steven J. Romansky (Pro se)
175 Progress Drive
Waynesburg, PA 15370-8090

Dated: November 19, 2001

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

STEVEN L. ROMANSKY,
Petitioner

V.

CIVIL NO. 1: CV-00-1520

CONNER BLAINE, JR.,
Respondent

(Judge Rambo)

VERIFIED STATEMENT OF IN FORMA PAUPERIS STATUS

I, Steven L. Romansky, hereby certify the following:

1. On or about January 11, 2001, I was granted leave to proceed in forma pauperis by Order of the Honorable Sylvia H. Rambo, United States District Judge in this matter;
2. That there has been no substantial change in my financial condition since the date of approval; and,
3. That I am unable to pay the fees and costs of filing the within Mandamus Petition. I depose and say that the facts contained in the foregoing statement are true and correct to the best of my knowledge, information and belief and are made subject to the penalties of 18 P.S.A. Section 4904 relating to unsworn falsification to authorities.

Steven L. Romansky (Pro Se)
175 Progress Drive
Waynesburg, PA 15370-8080

Dated: November 19, 2001

CERTIFICATE OF SERVICE

This is to certify that a copy of the within Verified Statement of In Forma Pauperis Status was duly served upon the Respondent by placing the same in the hand of the Pod-Officer at the address of record on the 18th day of November, 2001.

Andrea F. McKenna, Esquire
Deputy Attorney General
Appeals and Legal Services Section
16th Floor, Strawberry Square
Harrisburg, Pennsylvania 17120

Steven J. Romansky (Pro Se)
175 Progress Drive
Waynesburg, PA 15370-8090

Steve Romansky AT-8324
175 Progress Drive
Waynesburg, PA 15370-8090
November 19, 2001

Ms. Mary E. D'Andrea, Clerk
U.S. District Court
228 Walnut Street
P.O. Box 983
Harrisburg, PA 17108

Re: Romansky v. Blaine, No. 1: CV-00-1520

Dear Ms. D'Andrea:

Enclosed please find Petitioner's Mandamus Petition and Verified Statement of in Forma Pauperis Status for filing. Due to the fact that I am under RHU Status I have no access to the Rules of Court so if the within work is deficient in anyway please advise. Thank you for your attention and cooperation.

Very truly yours,

Steve Romansky

C. Andrea F. McKenna, Esquire

